



UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, DC 20415-0001

OFFICE OF THE DIRECTOR

OCT 04 2005

The Honorable David S.C. Chu
Under Secretary of Defense for Personnel
4000 Defense Pentagon
Washington, DC 20301-4000

Dear Dr. Chu:

In response to your request for Direct-Hire Authority (DHA) dated April 13, 2005, I am pleased to approve two limited DHAs based on your urgent need to fill quickly Police Officer (PO) and Engineering vacancies worldwide. The DHAs below will assist the Department of Defense (DoD) to fill quickly critical vacancies at grade levels 05 through 13 during the current state of national emergency when a DoD appointing official encounters difficulty using existing hiring authorities. Our staffs have worked creatively to make this possible in the absence of evidence showing difficulty in many locations.

Critical hiring need. Your request provides evidence for some grade levels and locations that meets the requirements for approval under 5 CFR 337.205. This evidence shows the event or unusual circumstance is a state of national emergency due to the terrorist attacks of September 11, 2001, which is expected to continue for the foreseeable future. In addition, the evidence shows:

- PO positions guard against terrorist attacks; Congress has funded a substantial increase in the number of permanent PO positions; and DoD must hire quickly a substantial number of POs to eliminate the use of military reserve units that currently augment its police force; and
- Engineering positions support military operations or research and development work essential to the nation's defense.

The evidence DoD provided under 5 CFR 337.205(b)(4) shows the use of existing hiring authorities is ineffective for some grade levels and locations, but not for all grade levels in all locations. Further, we believe, if DoD had the ability to provide complete historical data for each location and grade level, this evidence would show substantial differences for similar vacancies posted for various grades and locations.

OPTIONAL FORM NO. 10 (7-99)

FAX TRANSMITTAL		# of pages 4
To Innet Grubbs	From Sanjour Phelps	
Dept. Agency	Request #	
Fax #	Fax #	
NSN 7540-01-217-2368		4892-101
GENERAL SERVICES ADMINISTRATION		

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Direct-Hire Authority Granted. Based on the evidence provided, the Office of Personnel Management (OPM) hereby grants two limited DHAs, which read as follows:

DoD-004, issued on the date of this letter, to fill quickly Police Officer, AD-0083, vacancies at grade levels 05 through 13 in locations nationwide. This authority is based on a critical need to fill vacancies during a state of national emergency due to terrorist attacks.

When making a permanent appointment (i.e., without a time limit) the appointing official must certify for each position filled that existing appointment authorities could not be used because they were ineffective. This authority ends when the national emergency due to terrorist attacks ends or on September 30, 2007, whichever occurs first.

DoD-005, issued on the date of this letter, to fill quickly Engineering vacancies worldwide with the following titles, series, and grade levels:

Position Titles	Series - Grade Levels
General Engineering	GS-0801 - 05 through 13
Civil Engineering	GS-0810 - 05 through 13
Environmental Engineering	GS-0819 - 05 through 13
Mechanical Engineering	GS-0830 - 05 through 13
Electrical Engineering	GS-0850 - 05 through 13
Computer Engineering	GS-0854 - 05 through 13
Electronics Engineering	GS-0855 - 05 through 13

This authority is based on a critical need to fill vacancies quickly during a state of national emergency due to terrorist attacks. When making a permanent appointment (i.e., without a time limit), the appointing official must document the difficulty using other hiring authorities as required by OPM. This authority ends when the national emergency due to the terrorist attacks ends or on September 30, 2007, whichever occurs first.

Using these DHAs. DoD may use the DHAs above to fill covered competitive service positions under a temporary, term, or permanent appointment without regard to the provisions of 5 U.S.C. 3309 through 3318, 5 CFR part 211 and part 337, subpart A. Hiring under a DHA is subject to the public notice requirements in 5 U.S.C. 3327 and 3330 and 5 CFR 330, including the displaced employee procedures found at 5 CFR part 330, subpart G, and requirements in 5 CFR 332.407. In addition, DoD must comply with all relevant laws to the extent that they are not exempted from such laws pursuant to 5 U.S.C. 3304(a)(3). Further, when using a DHA OPM encourages making employment offers to qualified applicants with veterans' preference whenever possible.

When using these DHAs to fill a position the appointing official must document that each of the following are met before making an employment offer:

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1. The state of national emergency due to the terrorist attacks remains in effect;
2. The vacancy announcement notes the use of a special salary rate or availability of another monetary recruiting incentive;
3. The vacancy announcement was posted on USAJOBS for 14 or more calendar days; and
4. The number of available qualified candidates* is:
 - a. Three or fewer per Police Officer vacancy being filled; or
 - b. Five or fewer for each Engineering vacancy being filled

*An available qualified candidate is an applicant who:

1. Submits a complete and timely application providing evidence that meets the minimum education, experience, selective factors and other requirements specified in the announcement on USAJOBS;
2. Responds to official requests in a timely manner;
3. States he/she is willing and able to do the job as described and to report when and where needed;
4. Meets the citizenship, suitability, medical, clearance, and other requirements of the job; and
5. Has not been the subject of a successful objection or three hiring Passovers under this announcement.

DoD may use these DHAs to appoint candidates with written employment offers dated on or before the date of the state of national emergency due to the terrorist attacks ends or September 30, 2007, whichever is sooner. DoD must use two authority codes when documenting personnel actions using these DHAs. The first code, "AYM" automatically fills in "Reg. 337.201" on the Notification of Personnel Action, Standard Form (SF) 50. The second authority code, "BYO" identifies your use of an agency-specific authority. Using these two authority codes will help OPM evaluate the use of this authority without requiring agency reports.

OPM Oversight and Extension

On a quarterly basis, OPM will review DoD's use of these DHAs to ensure each is being used properly and to determine if the continued use is supportable. For this purpose, DoD will submit, to OPM's Division for Human Capital Leadership and Merit System Accountability before the end of each quarter, the following evidence for each appointment made using these DHAs during the prior quarter:

- (1) A copy of the vacancy announcement posted on USAJOBS;
- (2) A list of applicants with brief notes documenting each disqualification, failure to reply, objection, Passover, non-selection, or declination; and
- (3) A statement signed by the appointing official showing the total number of vacancies being filled and the number of available qualified candidates.

OPM may withdraw this authority upon notice for any reason.

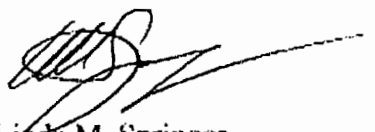
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DoD may request the extension or amendment of these DHAs at any time based on additional evidence showing critical hiring need or severe shortage of candidates for specific grade levels and locations or for jobs that require special competencies or unusual knowledge, skills and abilities (for example, a K-9 or SWAT officer). In addition, DoD may use the evidence above and other evidence to support continuation of these DHAs beyond September 30, 2007, based on either a critical hiring need or severe shortage of candidates.

We hope these hiring authorities will help you to quickly fill these critical vacancies. If you have questions about this authority, please contact Darlene Phelps by telephone on (202) 606-1730 or by email at Darlene.Phelps@opm.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Linda M. Springer', with a long horizontal line extending to the right.

Linda M. Springer
Director